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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 046982/0112

In re patent application of:
Hiroshi UENO

Serial No.: 09/473,022

Filed: December 28, 1999

For: ATM MULTIPLEXING APPARATUS AND CELL DISCARD METHOD



Group Art Unit: 2739

Examiner: Unassigned

Assistant Commissioner for Patents
Washington, D.C. 20231

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GROUP 2700

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed before the mailing date of a first Office action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office action on the merits has been mailed before the filing of the instant Information Disclosure Statement, a certification or fee is required. Applicant provides a certification below in lieu of the fee. If either the first or second scenarios are not the case, such as in a third scenario in which either a final Office Action has been mailed out by the PTO or a notice of allowance has been mailed out by the PTO, then applicant petitions to have the instant IDS considered, and also the PTO is authorized to obtain the necessary petition fee under 37 C.F.R. §1.17(i) to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

Documents A1 and A2 were cited in a Japanese Office Action that issued April 4, 2000, for a counterpart Japanese patent application.

Document A1 relates to an ATM cell priority control device for an ATM communication system, which changes distinction standard of an ATM cell discarding part

based on buffer state statistics data. The Japanese Office Action lists this document as "Prior Art", and does not provide any detailed comments as to its particular relevance.

Document A2 relates to a cell transfer control method in an ATM network, which controls waste of cells belong to a specific traffic class, according to cell priority and predetermined waste conditions. The Japanese Office Action lists this document as "Prior Art", and does not provide any detailed comments as to its particular relevance.

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

English-language counterparts of foreign-language documents have been provided where readily available. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 C.F.R. §1.98 and M.P.E.P. §609).

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

July 3, 2000

Date

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